

Notice of Proposed Action
Nevada Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

The Administrator of the Division of Environmental Protection gives notice that an application for a Water Pollution Control Permit for the **Birthday Girl Mine**, a facility utilizing physical separation methods to extract gold, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for new **Permit NEV2000113** is:

Mr. Steve Constant, Owner/Operator
Birthday Girl Mine
P.O. Box 24
Orovada, NV 89425

The Birthday Girl Mine is located within the Leonard Creek Mining District, approximately 38 miles south of Denio and 103 miles northwest of Winnemucca, in Humboldt County. The legal land description is Section 14, Township 42 North, Range 28 East (MDB&M). The project is a physical separation facility, pursuant to Nevada Administrative Code (NAC) 445A.414). Application materials submitted by Mr. Steve Constant estimated at least a five-year life expectancy for the Birthday Girl Mine.

The facility is designed and constructed to operate and close without any discharge or release from the fluid management system except meteorological events that exceed the design storm limit.

The Administrator is constrained to issue the Water Pollution Control Permit or to deny the application. The Administrator has made the tentative determination to issue the new permit.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to the Nevada Administrative Code, NAC Chapter 445A, must submit their comments, objections, or requests no later than 5:00 PM on the 30th day following the date of publication of this notice (by February 1, 2004) to:

Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Capitol Complex
Attn: Rob Kuczynski, P.E.
333 W. Nye Lane, Room 138
Carson City, NV 89706-0851

All comments or objections received during the public notice period will be considered in the final determination regarding this permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Rob Kuczynski, at (775) 687-9441, toll free in Nevada (800) 992-0900, extension 4670, or visit our website at <http://ndep.nv.gov/bmrr/bmrr01.html>.